

EXHIBIT 9

Page 1

1 JENNIFER JEHN
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X
5 SANDRA GUZMAN,
6 Plaintiff,
7 -against- 09CIV9323 (BSJ) (RLE)
8 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
9 THE NEW YORK POST, and COL ALLAN, in his
10 official and individual capacities,
11 -----X
12 Defendants.

13 AUSTIN FENNER and IKIMULISA LIVINGSTON,
14 -----X
15 Plaintiffs,
16 -against- 09CIV9832 (BSJ) (RLE)
17 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
18 THE NEW YORK POST and DAN GREENFIELD and
19 MICHELLE GOTTHELF,
20 -----X
21 Defendants.

22 VIDEOTAPED DEPOSITION OF JENNIFER JEHN
23 New York, New York
24 Tuesday, June 26, 2012

25 REPORTED BY: BARBARA R. ZELTMAN
 (BOBBIE)
 Professional Stenographic Reporter
 Job Number: 51052

<p style="text-align: right;">Page 54</p> <p>1 JENNIFER JEHN 2 "Q. What other ways would be a way 3 to retaliate against an employee other 4 than losing their job?" 5 (End of read-back.) 6 A If an employee had responsibilities 7 taken away from them because they filed a 8 complaint against their supervisor. 9 Q Any other ways? 10 MR. LERNER: Objection. 11 A I don't remember. 12 Q When you were head of HR in 2009, 13 were employees advised about how to file a 14 complaint of harassment or discrimination? 15 MR. LERNER: Objection. 16 You can answer if you understand 17 the question. 18 A Employees were advised that they 19 can make a complaint to New York Post Human 20 Resources, they can complain to their 21 manager, they can report it to an alert 22 line. 23 Q What is Alert Line? 24 A An alert line is made available to 25 New York Post employees that they can file a</p>	<p style="text-align: right;">Page 55</p> <p>1 JENNIFER JEHN 2 complaint or grievance. 3 Q Who runs this alert line that New 4 York Post employees can call to complain 5 about a complaint? 6 MR. LERNER: Objection. 7 Q To complain about a grievance. 8 A I don't know who runs it. 9 Q Does The New York Post run it? 10 MR. LERNER: Objection. 11 A I don't know. 12 Q Is there one alert line for all of 13 the NewsCorp. subsidiaries? 14 A I don't know. 15 Q From what you described, are there 16 any other ways that an employee can complain 17 about employment discrimination? 18 A An employee can complain to their 19 manager, to Human Resources, anyone in Human 20 Resources, and to the alert line. 21 Q Could an employee of The New York 22 Post complain to an attorney? 23 A Employees at The New York Post can 24 complain to HR, their manager, the alert 25 line. That's who they know they can</p>
<p style="text-align: right;">Page 56</p> <p>1 JENNIFER JEHN 2 complain to. 3 Q Suppose an employee of The New York 4 Post wanted to make a complaint to Jordan 5 Lippner? Would that be acceptable, in your 6 experience as head of HR for The New York 7 Post? 8 MR. LERNER: Objection. 9 Do you understand the question? 10 THE WITNESS: Actually, I don't 11 understand the question. 12 BY MR. CLARK: 13 Q Would it be an acceptable way to 14 complain about employment discrimination for 15 an employee of The New York Post to complain 16 to Jordan Lippner? 17 MR. LERNER: Objection. 18 A New York Post employees can 19 complain to HR, their manager, an alert 20 line. That's who they can complain to. 21 Q So your answer is no, it would 22 not -- complaining to Jordan Lippner would 23 not be an acceptable way in your view to 24 make a complaint about employment 25 discrimination as an employee of The New</p>	<p style="text-align: right;">Page 57</p> <p>1 JENNIFER JEHN 2 York Post? 3 MR. LERNER: Objection. 4 A Can you repeat the question? 5 MR. CLARK: Could you read it 6 back? 7 (Requested portion of record read: 8 "Q. So your answer is no, it would 9 not -- complaining to Jordan Lippner 10 would not be an acceptable way in your 11 view to make a complaint about employment 12 discrimination as an employee of The New 13 York Post?" 14 (End of read-back.) 15 A Jordan Lippner, as a resource to 16 Human Resources at The New York Post, a New 17 York Post employee could make a complaint to 18 him. 19 Q So it would be an acceptable way to 20 make a complaint if you were an employee of 21 The New York Post? 22 MR. LERNER: Objection. I 23 think the issue is the word 24 "acceptable." 25 I don't know what it means but I</p>

<p style="text-align: right;">Page 190</p> <p>1 JENNIFER JEHN 2 Q And had you ever seen her cry prior 3 to that day? 4 A No. 5 Q Was Sandra Guzman alone in the 6 office when you first arrived? 7 A Yes. 8 Q And were you two alone the entire 9 time you spoke with her that day? 10 A Yes. 11 Q Do you know if there was anyone 12 else in the area that might have overheard 13 the conversation? 14 A I don't know. 15 Q Was the door open or closed? 16 MR. LERNER: During the 17 conversation? 18 MR. CLARK: During the 19 conversation with Ms. Guzman. 20 A Open. 21 Q Did Ms. Guzman have a couch in her 22 office at the time? 23 A Yes. 24 Q Did either of you sit on the couch 25 during the meeting?</p>	<p style="text-align: right;">Page 191</p> <p>1 JENNIFER JEHN 2 A I sat on the couch. 3 Q Where did Ms. Guzman sit? 4 A Behind her desk. 5 Q In substance, what did Ms. Guzman 6 say to you about the cartoon during this 7 meeting? 8 A Sandra said to me that the cartoon 9 was offensive. She said the cartoon was 10 racist. She was upset that The Post 11 published a racist cartoon. 12 She asked me if I knew who selected 13 the cartoon. I said I don't know anything 14 about the cartoon selection. 15 She said -- she asked me if I had 16 heard that other editors thought the cartoon 17 was offensive before it was published. 18 I said I hadn't heard that. I 19 asked her how she heard that. And she said 20 she heard it. 21 I said I don't know how the cartoon 22 was published and I don't know how she knows 23 how it was published. It's hearsay. 24 She asked me how -- she said she 25 was upset about being associated with the</p>
<p style="text-align: right;">Page 192</p> <p>1 JENNIFER JEHN 2 content of the offensive cartoon that was 3 published. She did not want to be 4 associated with the cartoon. 5 She said she was getting e-mails 6 and phone calls and she wanted to respond. 7 I said I could feel however she 8 felt about the content of the cartoon and -- 9 but I reminded her, as I did with other 10 managers, that she, you know, could not talk 11 to the press or to the media. 12 I explained that she could forward 13 the e-mails to the City Desk. 14 She mentioned that Paula Froelich 15 had put some response on her phone. And she 16 asked me if I knew about that and I said I 17 didn't know anything about. 18 I said she could feel however she 19 felt and tell people however she felt about 20 the cartoon. 21 I asked her if she had talked to 22 other people that thought the cartoon was 23 offensive and people that didn't think the 24 cartoon was offensive. She got upset and 25 said the cartoon was offensive and racist.</p>	<p style="text-align: right;">Page 193</p> <p>1 JENNIFER JEHN 2 I then said: I can see you are 3 upset. I'll let you calm down. Come and 4 see me if there's anything you want to talk 5 about. 6 And she said that The Post was 7 going to have lawsuits. 8 I said: If we do, I'll deal with 9 it. Please send anybody to come and see me 10 or anybody else in the Human Resources 11 Department. 12 Q Did Ms. Guzman tell you that the 13 cartoon reflected a racist work environment 14 at The Post? 15 A She did not. 16 Q Did she tell you that the cartoon 17 reflected a sexist work environment at The 18 Post? 19 A She did not. 20 Q Did you take her complaint to be -- 21 strike that. 22 Did you take her statement to be a 23 complaint of employment discrimination? 24 A I did not. 25 Q Why not?</p>

<p style="text-align: right;">Page 194</p> <p>1 JENNIFER JEHN 2 A She was complaining about the 3 content of the cartoon that was published. 4 She was upset about it. She didn't want to 5 be associated with it. She was complaining 6 all about the cartoon.</p> <p>7 Q Did Sandra Guzman explain why she 8 thought the cartoon was racist?</p> <p>9 A She did not.</p> <p>10 Q Did she explain why she found the 11 cartoon offensive?</p> <p>12 A She did not.</p> <p>13 Q Did you ask the Sandra Guzman why 14 she found the cartoon to be racist?</p> <p>15 A I didn't.</p> <p>16 Q Why not?</p> <p>17 A I was listening. She was 18 complaining about the cartoon.</p> <p>19 I didn't ask her.</p> <p>20 Q Did you ask her why she thought the 21 cartoon was offensive?</p> <p>22 A I didn't ask her why.</p> <p>23 Q Why not?</p> <p>24 A She was complaining about the 25 content of the cartoon. She was upset about</p>	<p style="text-align: right;">Page 195</p> <p>1 JENNIFER JEHN 2 the content of the cartoon. I knew she was 3 upset about with the cartoon. I didn't ask 4 her why.</p> <p>5 Q Were you not concerned why she was 6 upset about the cartoon?</p> <p>7 MR. LERNER: Objection.</p> <p>8 A I was concerned that she was upset.</p> <p>9 She had told me she was upset about 10 the content of the cartoon.</p> <p>11 I was concerned that she was upset.</p> <p>12 Q But the question was: Why didn't 13 you ask her more specifically why she was 14 upset about the cartoon?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A I didn't ask her why she was upset 17 about the content of the cartoon because I 18 wasn't there to ask her questions. I was 19 there to listen to her and hear why -- that 20 she was upset about the content of the 21 published cartoon.</p> <p>22 Q Now, during this conversation with 23 Ms. Guzman in her office, did she ever 24 complain at all about the work environment 25 at The New York Post?</p>
<p style="text-align: right;">Page 196</p> <p>1 JENNIFER JEHN 2 A She did not.</p> <p>3 Q Are you certain that Ms. Guzman 4 never said that the cartoon reflected a 5 racist environment at The Post?</p> <p>6 A She said The Post published a 7 cartoon that was offensive and racist.</p> <p>8 Q I don't think you answered the 9 question.</p> <p>10 The question was: Are you certain 11 that Ms. Guzman never said that the cartoon 12 reflected a racist environment at The Post?</p> <p>13 A Yes.</p> <p>14 Q And are you certain that Sandra 15 Guzman never said that the cartoon reflected 16 a sexist environment at The Post?</p> <p>17 A Yes.</p> <p>18 Q Did Ms. Guzman ever discuss -- 19 strike that.</p> <p>20 During this meeting with Ms. Guzman 21 in her office, did Ms. Guzman ever discuss 22 the work environment at The Post in any way?</p> <p>23 A I need you to repeat that question.</p> <p>24 THE WITNESS: Can I take a 25 drink of water for a second.</p>	<p style="text-align: right;">Page 197</p> <p>1 JENNIFER JEHN 2 Q During the meeting we've been 3 discussing, did Ms. Guzman ever make any 4 comments about with the work environment at 5 The Post?</p> <p>6 A She did not.</p> <p>7 Q Did she ever -- who is Michael 8 Riedel?</p> <p>9 A He works at The Post.</p> <p>10 Q Do you know what his position is?</p> <p>11 A I can't say for certain, but I 12 think he writes about the theatre.</p> <p>13 Q During this conversation with 14 Ms. Guzman that day, did Michael Riedel's 15 name ever come up?</p> <p>16 A No.</p> <p>17 Q Do you recall her ever mentioning 18 Michael Riedel singing songs from West Side 19 Story?</p> <p>20 A No.</p> <p>21 Q During this conversation with 22 Ms. Guzman, did she ever complain to you 23 about sexist behavior at The Post?</p> <p>24 A No.</p> <p>25 Q Did Sandra Guzman mention Col Allan</p>

<p style="text-align: right;">Page 198</p> <p>1 JENNIFER JEHN 2 during this conversation? 3 A No. 4 Q So Sandra Guzman never complained 5 to you about Col Allan showing her a 6 photograph of a naked man? 7 A No. 8 Q Sandra Guzman never complained to 9 you about Col Allan showing other employees 10 photos of a naked man? 11 A No. 12 Q And when you say he never showed -- 13 or she never complained about showing 14 pictures of a naked man to employees, he 15 never -- it's your testimony that she never 16 complained that Col Allan showed female 17 employees pictures of a naked man? 18 A No, she never complained about 19 that. 20 Q And you never took any notes during 21 this meeting with Ms. Guzman; is that 22 correct? 23 A I did not. 24 Q If Col Allan had shown Sandra 25 Guzman a photograph of a naked man, would</p>	<p style="text-align: right;">Page 199</p> <p>1 JENNIFER JEHN 2 this violate the sexual harassment -- the 3 policy against sexual harassment at The New 4 York Post? 5 A That would depend upon the 6 circumstances. 7 Q Well, what circumstances would it 8 be appropriate for a supervisor to show a 9 subordinate a picture of a naked man to a 10 female employee? 11 MR. LERNER: Objection. 12 A It depends upon the circumstances. I would have to investigate. 14 Q And why didn't you take any notes about this meeting with Ms. Guzman at the time? 17 A I was not conducting an investigation about a complaint about the workplace, and I was talking to Sandra about being upset about the content published in the paper of a cartoon. 22 Q Did Sandra Guzman ever tell you that she was hurt by the cartoon? 24 A Sandra said she was upset about the cartoon.</p>
<p style="text-align: right;">Page 200</p> <p>1 JENNIFER JEHN 2 Q Did she specifically say she was 3 hurt? 4 A I don't recall specifically the 5 word "hurt." 6 Q Did Sandra Guzman ever tell you 7 that she thought the cartoon illustrated The 8 Post having a racist work environment? 9 A Can you repeat that, please. 10 Q Did Sandra Guzman ever tell you 11 that she thought that the cartoon 12 illustrated The Post having a racist work 13 environment? 14 A She didn't. 15 Q And you are sure she made no 16 comments charging a racist work environment 17 at The Post during this conversation? 18 A Sandra was complaining about the 19 content of the cartoon. 20 Q So are you sure that she never said 21 that the cartoon illustrated The Post having 22 a racist work environment? 23 A Yes. 24 Q Are you certain? 25 MR. LERNER: Objection.</p>	<p style="text-align: right;">Page 201</p> <p>1 JENNIFER JEHN 2 A I'm sorry. I need you to repeat 3 the question. 4 Q Are you certain? 5 A Oh, yes. 6 Q Did Sandra Guzman ever tell you 7 that she thought the cartoon illustrated The 8 Post having a sexist workplace? 9 A She did not. 10 Q Are you sure? 11 A Yes. 12 Q Ms. Juhn, are you aware that The 13 New York Post submitted a position statement 14 to the Equal Employment Opportunities 15 Commission in this case? 16 A Yes, I am aware of that. 17 Q Did you help to prepare that EEOC 18 statement? 19 A I did not. 20 Q Were you interviewed to get your 21 input with respect to putting together the 22 EEOC statement? 23 MR. LERNER: Objection. 24 A I talked to the lawyer. 25 Q Did you review the position</p>

<p style="text-align: right;">Page 234</p> <p>1 JENNIFER JEHN 2 A It was a decision made by consensus 3 by our Executive Committee that the Tempo 4 section was going to be reduced in its 5 frequency, which that decision resulted in 6 the position elimination and that position 7 was the editor's position. 8 Q Who participated in this decision 9 to eliminate Sandra Guzman's position? 10 A The Executive Committee. 11 Q Who does that include? 12 Withdraw that. 13 Was this a decision made at a 14 specific meeting of the Executive Committee? 15 Strike the last question. 16 Who was on the Executive Committee 17 in 2009 when this decision to reduce Tempo 18 was made and to eliminate Sandra Guzman's 19 position? 20 A I don't recall all the members of 21 Executive Committee on that day. 22 Q Who do you recall being on the 23 Executive Committee in 2009? 24 A I recall myself, Col Allan, Paul 25 Carlucci, Michael Racano, Howard Adler, Amy</p>	<p style="text-align: right;">Page 235</p> <p>1 JENNIFER JEHN 2 Scaldone, Patrick Judge, Chris Shaw. 3 Q Was Les Goodstein on the Executive 4 Committee in 2009? 5 A I don't know if Les Goodstein is a 6 member of the Executive Committee. 7 Q Why do you not know if Les 8 Goodstein is on the Executive Committee? 9 MR. LERNER: Objection. 10 A He participants in Executive 11 Committee. I don't know if he's a member of 12 Executive Committee. 13 Q Was Les Goodstein present at the 14 committee meeting in which it was decided 15 that the frequency of Tempo would be reduced 16 which would result in the elimination of 17 Sandra Guzman's position? 18 A I don't recall if he was present 19 specifically. 20 Q What do you mean that "reducing the 21 frequency of the section would result in the 22 elimination of Sandra Guzman's position"? 23 MR. LERNER: Objection. 24 A The Tempo section was going to be 25 produced less, and the editor's position was</p>
<p style="text-align: right;">Page 236</p> <p>1 JENNIFER JEHN 2 eliminated as a result of that. 3 Q So did the Executive Committee 4 decide to eliminate Sandra Guzman's 5 position? 6 A The Executive Committee, yes, did 7 decide to eliminate the position of editor 8 of Tempo. 9 Q Did the Executive Committee decide 10 to lay off Sandra Guzman? 11 A We didn't talk specifically about 12 Sandra Guzman but we decided that the editor 13 position would be eliminated. 14 Q What do you mean "we decided it 15 would be eliminated"? Who are you talking 16 about? 17 A The Executive Committee. 18 Q Did Col Allan have a role in 19 determining to lay off Sandra Guzman? 20 MR. LERNER: Objection. 21 A Yes. He was part of the Executive 22 Committee. 23 Q What did he say at that meeting? 24 A I don't recall. 25 Q What did you say at the meeting?</p>	<p style="text-align: right;">Page 237</p> <p>1 JENNIFER JEHN 2 A I don't recall. 3 Q Do you recall Paul Carlucci saying 4 anything? 5 A I don't recall what he said. 6 Q Do you recall anything said by 7 anyone at that meeting with respect to Tempo 8 and Sandra Guzman? 9 MR. LERNER: Objection. 10 A I recall that we agreed that the 11 Tempo section was going to be reduced and 12 then that would result in the Tempo editor 13 position being eliminated. 14 Q When you say the Tempo section and 15 the editor of Tempo being eliminated, does 16 that necessarily mean that Sandra Guzman 17 would be laid off? 18 MR. LERNER: Objection. 19 A That means that the position of the 20 Tempo editor would have been eliminated. 21 There are options when you have those 22 discussions. 23 We decided that the position, the 24 Tempo position, editor position, was going 25 to be eliminated.</p>

<p style="text-align: right;">Page 246</p> <p>1 JENNIFER JEHN 2 And did Amy do that? Did she look 3 at other options? 4 MR. LERNER: Objection. 5 A I believe she did. 6 Q Did you speak to any other editor 7 at The New York Post about the possibility 8 of transferring Sandra Guzman to another 9 job? 10 A I did not. 11 Q Did you ever speak to Paul Carlucci 12 about the possibility of transferring Sandra 13 Guzman to another job? 14 A I did not. 15 Q Other than Amy, did you speak to 16 anyone else at all about the possibility of 17 transferring Ms. Guzman to another job? 18 A I didn't. 19 Q Did you ever tell Col Allan that 20 Sandra Guzman had complained about the 21 cartoon in February? 22 A Yes. 23 Q When did you tell Col Allan that? 24 A Around after the cartoon. 25 Q In February 2009?</p>	<p style="text-align: right;">Page 247</p> <p>1 JENNIFER JEHN 2 A Yes. 3 Q How soon after the cartoon was 4 published do you think you had the 5 conversation? 6 A Within a couple days. 7 Q And what did you tell Col Allan 8 about Sandra Guzman's complaint? 9 A I told Col Allan that Sandra 10 complained about the content of the cartoon 11 being published. 12 Q And did you speak to Col Allan in 13 person? 14 A No. 15 Q Did you speak to him over the 16 phone? 17 A Yes. 18 Q Did he call you or did you call 19 him? 20 A I don't recall. 21 Q Do you recall anything else you 22 told Col Allan about Sandra Guzman's 23 complaint? 24 A I told Col Allan that employees 25 were upset about the content of the cartoon.</p>
<p style="text-align: right;">Page 248</p> <p>1 JENNIFER JEHN 2 Q Did you name other employees in 3 addition to Sandra Guzman? 4 A I don't recall. 5 Q So as you sit here today, the only 6 employee you can recall specifically 7 speaking to Col Allan about in reference to 8 the cartoon was Sandra Guzman? 9 A Yes. 10 Q And what was Col Allan's reaction? 11 A He said "Okay" and "Thank you." 12 Q That's it? 13 A Yes. 14 Q Why did you tell Col Allan about 15 this situation with Sandra Guzman? 16 MR. LERNER: Objection. 17 A I told Col Allan about Sandra being 18 upset about the content of the cartoon 19 because she was upset. 20 Q I don't follow. Why did you tell 21 Col Allan that? 22 A I told Col because Sandra was more 23 upset. 24 Q I'm sorry. I'm just not following 25 you.</p>	<p style="text-align: right;">Page 249</p> <p>1 JENNIFER JEHN 2 What was your reasoning that you 3 thought that you should tell Col Allan as 4 opposed to everyone else at the paper? 5 MR. LERNER: Objection. 6 A I told Col Allan because he was/is 7 the editor of The New York Post. 8 Q Do you think that he would want to 9 know about Sandra Guzman complaining about 10 the cartoon? 11 A Yes. 12 Q Why do you think he would want to 13 know about it? 14 A I think he would want to know about 15 employees complaining about the content of 16 the cartoon and I think he would want to 17 know about Sandra complaining about the 18 cartoon. 19 Q And specifically why would he want 20 to know about Sandra complaining about the 21 cartoon? 22 MR. LERNER: Objection. 23 Q If you know. 24 A I don't know specifically why he 25 would want to know. I don't know --</p>

<p style="text-align: right;">Page 286</p> <p>1 JENNIFER JEHN 2 Q So did the committee tell 3 Mr. Rabinowitz to add this sentence to the 4 APA? 5 A The committee agreed that the 6 written warning was applicable to the 7 performance appraisal, and Joe agreed and he 8 wrote it into the review. 9 Q You said Mr. Rabinowitz agreed with 10 that. 11 How did he express his agreement 12 that this should be added to the review? 13 A I recall that when I asked him if 14 he was on final -- if Sandra was on final 15 warning, he said that -- 16 MR. LERNER: Excuse me. Final? 17 THE WITNESS: Sorry. Written 18 warning. 19 A -- she was on written warning and 20 he said that, he expressed he didn't -- at 21 the time when he was doing the review, he in 22 writing it he didn't remember that. 23 So when I brought up the question 24 if she was on it, he then agreed that the 25 written warning should be factored into the</p>	<p style="text-align: right;">Page 287</p> <p>1 JENNIFER JEHN 2 review. 3 Q Why was the fact that she had a 4 written warning relevant to her APA 5 evaluation? 6 MR. LERNER: Objection. In 7 Ms. Juhn's view? 8 MR. CLARK: Yes. 9 A Could you repeat the question? 10 Q Why was the fact that Ms. Guzman 11 had received a written warning relevant to 12 her APA rating? 13 A Because Ms. Guzman had breached the 14 Business Code of Conduct and she was on 15 written warning for that and that's about 16 performance. 17 Q So would anyone who received a 18 written warning automatically get knocked 19 down one point? 20 MR. LERNER: Objection. 21 A It depends upon if the written 22 warning was already factored into the 23 review, into the rating. We'd have a 24 discussion about that. 25 In Sandra's review, it wasn't.</p>
<p style="text-align: right;">Page 288</p> <p>1 JENNIFER JEHN 2 Q So you are saying, yes, if you got 3 a written warning, you would automatically 4 have to have a lower rating. 5 Is that what you are saying? 6 MR. LERNER: Objection. 7 Go ahead. We didn't mean to 8 distract you. Do you need the question 9 repeated? 10 THE WITNESS: I do. 11 (Requested portion of record read: 12 "Q. So you are saying, yes, if you 13 got a written warning, you would 14 automatically have to have a lower 15 rating. 16 "Is that what you are saying?"") 17 (End of read-back.) 18 A It depends upon what it's being 19 compared to. 20 Q So, no, just because you got a 21 written warning wouldn't necessarily mean 22 your APA would be lower for that year? 23 A If someone was on a written 24 performance warning, they would not be rated 25 Exceeds Standard.</p>	<p style="text-align: right;">Page 289</p> <p>1 JENNIFER JEHN 2 Q Why not? 3 A A written warning about someone's 4 performance means that they are not meeting 5 some criteria of their job responsibilities, 6 and so Exceeds Standards wouldn't be an 7 appropriate rating for that if someone isn't 8 doing their job functions, job 9 responsibilities well. 10 Q What did Ms. Guzman receive a 11 written warning for in 2009? 12 A She was on written warning for a 13 breach of the Business Code of Conduct. 14 Q How did that affect her ability to 15 do her job? 16 MR. LERNER: Objection. 17 That wasn't her testimony. 18 MR. CLARK: I don't care what 19 her testimony is. 20 Q The question is: How did the fact 21 that you alleged Ms. Guzman had breached the 22 standards of business conduct affect 23 Ms. Guzman's ability to do her job as 24 editor? 25 MR. LERNER: Objection.</p>

<p style="text-align: right;">Page 302</p> <p>1 JENNIFER JEHN 2 MR. LERNER: Objection. 3 A He participated in the meetings. 4 Q Do you know how frequently you saw 5 Mr. Goodstein at meetings? 6 A I don't know the frequency. 7 Q Was it most of the time? 8 A I don't know the frequency. 9 Q Did you ever interact with Col 10 Allan outside of the Executive Committee 11 meetings? 12 A Yes. 13 Q How often would you interact with 14 Col Allan other than at the Executive 15 Committee meetings? 16 MR. LERNER: Objection. When? 17 MR. CLARK: In 2009. 18 A I don't recall. 19 Q Was it a common occurrence or was 20 it something that happened now and then? 21 MR. LERNER: Objection. 22 A I don't recall. 23 Q Have you ever heard Col Allan yell 24 at anyone? 25 MR. LERNER: Objection.</p>	<p style="text-align: right;">Page 303</p> <p>1 JENNIFER JEHN 2 A Yes. 3 Q Who have you heard him yell at? 4 A Me. 5 Q And what did he yell at you? 6 A He yelled at me about a promotion 7 in The New York Post that didn't appear or 8 go the way that he expected. 9 Q Is that the only time he's yelled 10 at you? 11 A He yelled at me about a Management 12 Council newsletter I sent once. 13 Q Were those the only two times that 14 Col Allan has yelled at you? 15 A I don't remember any more. 16 Q Do you think it's appropriate for 17 Col Allan to yell at an employee? 18 MR. LERNER: Objection. 19 A I don't understand what you mean by 20 "appropriate." 21 Q Is it appropriate for Col Allan to 22 yell at employees at The New York Post? 23 MR. LERNER: Objection. 24 Q Is it proper? 25 MR. LERNER: Objection.</p>
<p style="text-align: right;">Page 304</p> <p>1 JENNIFER JEHN 2 Q Is it something that as head of HR 3 you would condone? 4 MR. LERNER: Objection. 5 The question now is: Is it 6 something that as of HR you would 7 condone? 8 A It depends upon the circumstances. 9 Q When Col Allan yelled at you, did 10 he also curse at you? 11 A No. 12 Q Have you ever heard him curse at 13 anyone? 14 A I don't recall. 15 Q Do you know of any complaints by 16 employees that Col Allan yelled at them? 17 A No. 18 Q When Col Allan yelled at you, did 19 you have any conversations with him about 20 the propriety of him yelling at you? 21 MR. LERNER: Objection. 22 You can answer. 23 A Yes. 24 Q What did you tell him? 25 A I told him that I didn't appreciate</p>	<p style="text-align: right;">Page 305</p> <p>1 JENNIFER JEHN 2 it when he yelled at me. 3 Q Is that all you said? 4 A Yes. 5 Q Were you head of HR when he yelled 6 at you? 7 A Yes. 8 Q And did you tell him, as head of 9 HR, that he should not be yelling at 10 employees? 11 A I told him in my capacity as the 12 person responsible for the promotion that I 13 didn't appreciate that he was yelling at me. 14 Q Have you ever told Col Allan that 15 he should not yell at employees? 16 A I don't recall. 17 Q Do you know if anyone has ever 18 complained to HR about Col Allan cursing at 19 them? 20 A I don't know. 21 Q Do you know if Col Allan ever 22 referred to an employee as a "damn girl"? 23 A Can you repeat that question? 24 Q Do you know if Col Allan ever 25 referred to an employee as a, quote, damn</p>